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**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of:

KATHIE DIANE STEAR  
26230 Ager Beswick  
Montague, CA 96064

Registered Nurse License No. 535501

Respondent.

Case No. 2003-106

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties that  
the following matters are true:

PARTIES

1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of  
the Board of Registered Nursing; who brought this action solely in her official capacity.

2. Kathie Stear (Respondent), is a probationary registered nurse.

JURISDICTION

3. On January 31, 2007, the Board of Registered Nursing adopted Stipulated  
Settlement and Disciplinary Order No. 2003-106, which became effective on March 2, 2007.  
The Stipulated Settlement and Disciplinary Order requires, inter alia, the respondent to serve a  
three (3)-year probation term that includes Probation Conditions # 1A-M and Condition # 2. The  
Stipulated Settlement and Disciplinary Order is attached as exhibit A and incorporated herein by  
reference.

Condition #M of the Stipulated Settlement and Disciplinary Order allows  
the Board of Registered Nursing to accept the surrender of the respondent's license if she ceases  
practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of  
probation.

ADVISEMENT AND WAIVERS

4. Respondent has carefully read and understands Stipulated Settlement and Disciplinary Order No. 2003-106. Respondent has carefully read, and understands the effects of this Stipulated Surrender of License and Order and understands that this Stipulated Settlement, if accepted by the Board, is considered as formal discipline of her license.

5. Respondent understands that by signing this stipulation she enables the Board to accept the surrender of her Registered Nurse License without further process.

CONTINGENCY

6. The Respondent understands and agrees that by signing this Stipulated Settlement, that she may not withdraw her agreement or seek to rescind the stipulation prior to the date it becomes effective. If the Board declines to accept this stipulation as its Decision and Order, the Stipulated Surrender and Order shall be of no force or effect.

7. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

8. In consideration of the foregoing stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 535501, issued to Respondent Kathie Stear, is surrendered and the surrender is accepted by the Board of Registered Nursing.

9. The surrender of Respondent's Registered Nurse License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

10. Respondent shall lose all rights and privileges as a Registered Nurse in California as of the effective date of the Board's Decision and Order.

1                   11.     Respondent shall cause to be delivered to the Board both her wall and  
2 pocket license certificate on or before the effective date of the Decision and Order.

3                   12.     Respondent fully understands and agrees that if she ever files an  
4 application for licensure or a petition for reinstatement in the State of California, the Board  
5 shall treat it as a petition for reinstatement. Respondent must comply with all the laws,  
6 regulations and procedures for reinstatement of a revoked license in effect at the time the  
7 petition is filed. .

8                   13.     Upon reinstatement of the license or prior to issuance of any new  
9 license by the Board, Respondent shall pay to the Board costs associated with its investigation  
10 and enforcement pursuant to Business and Professions Code section 125.3 in the amount of  
11 \$7,350.00 which is the amount currently owed pursuant to Stipulated Settlement and  
12 Disciplinary Order No. 2003-106 (Exhibit A). If the reinstatement of Respondent's license is  
13 granted, Respondent shall be permitted to pay these costs in a payment plan approved by the  
14 Board.

15                  14.     Respondent shall not apply for licensure or petition for reinstatement for  
16 two (2) years from the effective date of the Board of Registered Nursing's Decision and Order.

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DATED: 2-26-08

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**BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of:

Case No. 2003-106

KATHIE DIANE STEAR  
26230 Ager Beswick  
Montague, CA 96064

Registered Nurse License No. 535501

Respondent.

**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

It is so ORDERED on August 15, 2008.

This Decision shall become effective on August 15, 2008.

Ruth Ann Terry M.P.H., R.N.

Ruth Ann Terry, Executive Officer  
FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS

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**EXHIBIT "A"**

Stipulated Settlement and Disciplinary Order No. 2003-106

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

KATHIE DIANE STEAR  
26230 Ager Beswick  
Montague, CA 96064

Registered Nurse License No. 535501

Respondent


Case No. 2003-106

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on March 2, 2007.

IT IS SO ORDERED January 31, 2007.



President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

KATHIE DIANE STEAR  
26230 Ager Beswick  
Montague, CA 96064

Registered Nurse License No. 535501

Respondent.

Case No. 2003-106

OAH No. N2006050798

**PROPOSED DECISION**

Ralph J. Venturino, Administrative Law Judge, State of California, Office of Administrative Hearings, heard this matter on August 3, 2006, in Yreka, California.

Robert Browning Miller, Deputy Attorney General, represented the complainant, Ruth Ann Terry, MPH, RN, Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

Kathie Diane Stear, respondent, appeared and represented herself.

Evidence was received, the record was closed, and the matter was deemed submitted on August 3, 2006.

**ISSUES**

(1) Did Kathie Diane Stear commit acts of unprofessional conduct, in 1999, within the meaning of Business and Professions Code sections 2761, subdivision (a), and 2762, subdivision (e), in connection with her handling medication and patient records because she falsified, or made grossly incorrect, grossly inconsistent, or unintelligible entries in a record pertaining to a controlled substance ?

(2) Should the Board of Registered Nursing recover costs and, if so, in what amount?



## FACTUAL FINDINGS

### *Jurisdictional Issues*

1. Ruth Ann Terry, M.P.H., R.N., made the allegations in the Accusation solely in her official capacity as Executive Officer of the Board of Registered Nursing (Board), Department of Consumer Affairs, State of California. The Accusation was made on November 7, 2002, and served on December 21, 2002.

2. On January 6, 2003, Stear timely filed a Notice of Defense to the Accusation. The matter was then set for an evidentiary hearing before an Administrative Law Judge of the Office of Administrative Hearings.

3. The Board's official records as of July 31, 2006, show that the Board issued Registered Nurse License Number 535501 to Stear on August 18, 1997. The license is in full force and effect and will expire on October 31, 2006, unless renewed.<sup>1</sup> There is no history of previous disciplinary action against Stear.

### *Factual Findings*

4. "Demerol" (a derivative of pethidine) and morphine are Schedule II controlled substances as described in Business and Professions Code section 2762, subdivision (a),<sup>2</sup> and Health and Safety Code section 11055.

5. On September 30 and October 1, 1999, Stear worked at Fairchild Medical Center, Yreka, California as a registered nurse.

6. At Fairchild Medical Center (FMC), in September and October of 1999, controlled substances were kept in a locked area. When a nurse was given a physician's order to administer a controlled substance, the nurse would "sign out" the medication(s) on a controlled substance record and then chart the subsequent administration of the drug in a Medication Administration Record (MRA), or in nursing notes.

7. Complainant alleges that, on five occasions, and with regard to three patients (Patients "A," "B," and "C"), Stear failed to account for controlled substances for which she signed the relevant controlled substance records, and she made false, grossly incorrect, grossly inconsistent, or unintelligible entries in controlled substance count records.<sup>3</sup> Complainant further alleges that this constituted unprofessional conduct within the terms of section 2762, subdivision (e).

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<sup>1</sup> The November 2002 Accusation referenced October 31, 2004, as the expiration date because it was written before Stear's most recent 2-year renewal.

<sup>2</sup> All subsequent references are to the Business and Professions Code unless indicated otherwise.

<sup>3</sup> The Complainant did not allege, nor did she prove, that Stear personally used the drugs.

8. On September 30, 1999, at or about 20:00, Stear signed an entry in the controlled substance record for 10 milligrams of morphine. Stear indicated that the morphine was for Patient "B."

9. Patient "B" did not have a physician's order for morphine.

10. Stear did not chart the administration of the morphine for Patient "B" in an MRA or in the nursing notes.

11. On September 30, 1999, at or about 22:30, 23:00, and 23:30, Stear signed entries in the controlled substance record for 75, 75, and 50 milligrams of "Demerol," respectively, for a total of 200 milligrams. Stear indicated that the Demerol was for Patient "C."

12. Patient "C" had a physician's order for 100 milligrams of Demerol.

13. Stear charted the administration of the Demerol in an MRA at 23:00 on September 30, 1999 (75 milligrams) and 00:35 on October 1, 1999 (25 milligrams). There were no other indications of administration or waste in an MRA or nursing notes concerning the additional 100 milligrams of Demerol.

14. On October 1, 1999, at or about 22:00, Stear signed an entry in the controlled substance record for 10 milligrams of morphine. Stear indicated that the morphine was for Patient "A."

15. Patient "A" did not have a physician's order for morphine.

16. Stear did not chart the administration of the morphine for Patient "A" in an MRA or in the nursing notes.

17. Stear admitted that she attempted to account for the missing drugs after-the-fact. Stear reconciled the hospital's records by signing the relevant controlled substance records for the missing drugs, and listed patients that she thought might have received the drugs, even though she did not know whether those patients actually received the drugs.

18. Stear's inability to account for the missing drugs, and Stear's "after-the-fact" attempt to reconcile the hospital's records, when Stear did not actually know if the subject patients received the drugs, fell below the professional standard of care for licensed registered nurses in the Yreka region in September/October 1999.

#### *Mitigation*

19. As a matter in mitigation, it is noted that Stear was trying to correctly reconcile the records. That, of course, does not change the fact that Stear's conduct fell below the professional standard of care for licensed registered nurses in the Yreka region in

September/October 1999.

20. Stear was considered a good employee at FMC, as a Licensed Vocational Nurse, and a Registered Nurse for, at least, the six years before the conduct in question.

#### *Rehabilitation*

21. Since the conduct in question, Stear has obtained good references and evaluations from subsequent employers. She has obtained training to work with individuals with disabilities in an equine program and is a regular participant in church activities.

#### *Financial Hardship*

22. Stear offered testimony concerning potential financial hardship. She has had limited income from nursing and must seek nursing employment far from her home, decreasing her potential income due to travel time and costs. She has also had, and will continue to have, family health issues that will cause her limited income to be further reduced because of medical and travel bills.<sup>4</sup>

#### *Board's Costs of Investigation and Prosecution*

23. Complainant submitted a certification of costs showing costs of \$7,350.00, which included investigative costs of \$3,810.00.<sup>5</sup>

### LEGAL CONCLUSIONS

1. Section 2761, subdivision (a), provides that the Board may take disciplinary action against a certified or licensed nurse for unprofessional conduct.

2. Section 2762, subdivision (e), provides that it is unprofessional conduct for a nurse to, "falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in," a record pertaining to any controlled substance or dangerous drug.

3. As found in Factual Findings 4 through 17, Stear made false, grossly incorrect, and grossly inconsistent entries in the hospital's controlled substance records. Her false entries in the controlled substance records made these records grossly incorrect because the drugs were not administered to the patients indicated and grossly inconsistent with the individual records of the patients. If the falsified controlled substance records were to be seen as correct, there would be serious concerns about what medications patients may or may

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<sup>4</sup> Stear cares for sick family in Oregon and Southern California.

<sup>5</sup> The final investigative costs were adjusted to add an additional \$210 to correct a mistake in the Board investigator's hourly rate.

not have received.

4. As found in Factual Finding 18, Stear's conduct fell below the professional standard of care for licensed registered nurses in the Yreka region in September/October 1999, and was, therefore, unprofessional.

5. There is no evidence that Stear's entries were unintelligible.

#### *Costs*

6. As found in Factual Finding 23, the Board incurred investigation and prosecution costs of \$7,350.00.

7. Complainant proved the allegations in the Accusation.

8. Because complainant proved what was alleged, it is determined that the reasonable costs under section 125.3 are \$7,350.00 even though they may be relatively significant.<sup>6</sup>

#### *License Discipline*

9. Stear's falsification of hospital records in violation of the nursing professional standards of care is a very serious matter. However, the few occurrences happened on one shift almost seven years ago. Stear lost her job because of her actions and has had time to understand and reflect on her actions. As found in Factual Findings 19 through 21, Stear produced evidence of mitigation and rehabilitation through continued excellent employment references, schooling, and church and community service.

The evidence supports a finding that, at this time, the public would be adequately protected if Stear maintained a probationary license.

#### *Cost Recovery*

10. In *Zuckerman v. State Board of Chiropractic Examiners*,<sup>7</sup> a case in which the State Board of Chiropractic Examiners had disciplined a license, the Supreme Court of California dealt with the issue of cost recovery. The court held that "the Board must exercise its discretion to reduce or eliminate cost awards in a manner that will ensure that . . . [cost recovery] does not deter chiropractors with potentially meritorious claims or defenses from exercising their right to a hearing." The court established five rules that an agency must observe in assessing the amount to be charged. To some extent, these rules are similar to matters one would consider in determining whether costs are "reasonable" as is required by

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<sup>6</sup> The necessary investigation sites led to significant travel time costs.

<sup>7</sup> *Zuckerman v. State Board of Chiropractic Examiners* (2002) 29 Cal.4th 32.

Code section 125.3. The court's rules, however, go beyond considerations of whether the costs are reasonable. The court said:

[T]he Board must not assess the full costs of investigation and prosecution when to do so will unfairly penalize a chiropractor who has committed some misconduct but who has used the hearing process to obtain dismissal of other charges or a reduction in the severity of the discipline imposed. The Board must consider the chiropractor's "subjective good faith belief in the merits of his or her position" [Citation] and whether the chiropractor has raised a "colorable challenge" to the proposed discipline [Citation.] Furthermore, as in cost recoupment schemes in which the government seeks to recover from criminal defendants the cost of their state-provided legal representation [Citation] the Board must determine that the chiropractor will be financially able to make later payments. Finally the Board may not assess the full costs of investigation and prosecution when it has conducted a disproportionately large investigation and prosecution to prove that a chiropractor engaged in relatively innocuous misconduct.<sup>8</sup>

11. When the board revokes a license outright, it does not attempt to collect on a cost recovery unless, in the future, respondent seeks and qualifies for reinstatement of the license. Since Stear's license to practice may continue under probationary terms, we must address the issues of whether Stear is financially able to make payments and, if so, what payment schedule is necessary so that Stear will be financially able to pay the costs. The Board must take into account Stear's offered evidence of financial hardship found in Factual Finding 22.

## ORDER

1. Registered Nurse License Number 535501 issued to the respondent, Kathie Diane Stear, is revoked. However, the revocation is stayed and Stear is placed on probation for three years on the following conditions:

A. SEVERABILITY CLAUSE: Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

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<sup>8</sup> *Id.* at p. 45.

B. OBEY ALL LAWS: Stear shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Stear to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Stear shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

C. CRIMINAL COURT ORDERS: If Stear is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

D. COMPLY WITH THE BOARD'S PROBATION PROGRAM: Stear shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of Stear's compliance with the Board's Probation Program. Stear shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, Stear's license shall be fully restored.

E. REPORT IN PERSON: Stear, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.

F. RESIDENCY, PRACTICE, OR LICENSURE OUTSIDE OF STATE: Periods of residency or practice as a registered nurse outside of California shall not apply toward a reduction of this probation time period. Stear's probation is tolled, if and when she resides outside of California. Stear must provide written notice to the Board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or returning to practice in this state.

Stear shall provide a list of all states and territories where he or she has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Stear shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Stear shall inform the Board if she applies for or obtains a new nursing license during the term of probation.

G. SUBMIT WRITTEN REPORTS: Stear, during the period of probation, shall submit or cause to be submitted such written

reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to Stear's compliance with all the conditions of the Board's Probation Program. Stear shall immediately execute all release of information forms as may be required by the Board or its representatives.

H. FUNCTION AS A REGISTERED NURSE: Stear, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

If Stear has not complied with this condition during the probationary term, and she has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Stear's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

I. EMPLOYMENT REPORTING REQUIREMENTS: Stear shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.

Stear shall notify the Board in writing within seventy-two (72) hours after she is terminated or separated, regardless of cause, from any nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination or separation.

J. COMPLETE A NURSING COURSE(S): Stear, at her own expense, shall enroll and successfully complete a course relevant to the practice of registered nursing no later than six months prior to the end of his or her probationary term.

Stear shall obtain prior approval from the Board before enrolling in the course. Stear shall submit to the Board the original transcripts or certificates of completion for the above required course. The Board shall return the original documents to Stear after photocopying them for its records.

K. COST RECOVERY: Stear shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code Section 125.3 in the amount of \$7,350.00. Stear shall be

permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than three months prior to the end of the probation term.

If Stear has complied with this condition during the probationary term, and she has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of the Stear's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation will apply.

L. VIOLATION OF PROBATION: If Stear violates the conditions of her probation, the Board after giving Stear notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of Stear's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against Stear's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against Stear's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

M. LICENSE SURRENDER: During Stear's term of probation, if she ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, Stear may surrender her license to the Board. The Board reserves the right to evaluate Stear's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, Stear will no longer be subject to the conditions of probation.

Surrender of Stear's license shall be considered a disciplinary action and shall become a part of Stear's license history with the Board. A registered nurse whose license has been surrendered may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:

- 1) Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or
  - 2) One year for a license surrendered for a mental or physical illness.
2. The Board will determine whether Stear will be financially able to make



payments and shall determine a payment schedule, as necessary, so that Stear will be financially able to pay any costs.

DATED: September 5, 2006

A handwritten signature in black ink, appearing to be 'R. Venturino', written over a horizontal line.

RALPH J. VENTURINO  
Administrative Law Judge  
Office of Administrative Hearings

ORIGINAL

BILL LOCKYER, Attorney General  
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Attorneys for Complainant

**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. *2003-106*

**KATHIE DIANE STEAR**  
26230 Ager Beswick  
Montague, CA 96064  
**Registered Nurse License No. 535501**

**A C C U S A T I O N**

Respondent.

Complainant alleges:

**PARTIES**

1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.
2. On or about August 18, 1997, the Board of Registered Nursing ("Board") issued Registered Nurse License Number 535501 to Kathie Diane Stear (hereinafter "Respondent"). The license will expire on October 31, 2004.

**STATUTORY PROVISIONS**

3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

1           4.       Section 2764 of the Code provides, in pertinent part, that the expiration of  
2 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding  
3 against the licensee or to render a decision imposing discipline on the license.

4           5.       Section 2811(b) of the Code provides, in pertinent part, that the Board may  
5 renew an expired license at any time within eight years after the expiration.

6           6.       Section 125.3 of the Code provides, in pertinent part, that the Board may  
7 request the administrative law judge to direct a licensee found to have committed a violation or  
8 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
9 and enforcement of the case.

10          7.       Section 2761(a) of the Code provides that the Board may take disciplinary  
11 action against a certified or licensed nurse or deny an application for a certificate or license for  
12 unprofessional conduct.

13          8.       Section 2762 of the Code states:

14                    “In addition to other acts constituting unprofessional conduct within the  
15 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person  
16 licensed under this chapter to do any of the following:

17                               “.....

18                               “(e) Falsify, or make grossly incorrect, grossly inconsistent, or  
19 unintelligible entries in any hospital, patient, or other record pertaining to the substances  
20 described in subdivision (a) of this section.”

21                               **DRUGS**

22          9.       “Demerol” is a brand of meperidine hydrochloride, a derivative of  
23 pethidine, and is a Schedule II controlled substance as designated by Health and Safety Code  
24 section 11055(c)(17).

25          10.       “Morphine” is a Schedule II controlled substance as designated by Health  
26 and Safety Code section 11055(b)(1)(M).

27       ///

28       ///

1 **CAUSE FOR DISCIPLINE**

2 (False or Grossly Inconsistent Record Entries)

3 11. Respondent's registered nurse license is subject to discipline under  
4 sections 2761(a) and 2762(e) of the Code in that while employed as a registered nurse at  
5 Fairchild Medical Center, Yreka, California, Respondent committed the following acts involving  
6 false, grossly incorrect, or grossly inconsistent entries in hospital, patient, or other records  
7 pertaining to controlled substances:

8 a. **Patient "A" (#7239130)**: On or about October 1, 1999, at  
9 approximately 2200 hours, Respondent obtained 10 mg. of Morphine for administration to  
10 Patient "A" without a physician's order to do so. Thereafter, Respondent failed to document or  
11 record the administration of the medication on the patient's medication administration record, or  
12 to otherwise account for the disposition of the medication.

13 b. **Patient "B" (#7239049)**: On or about October 1, 1999, at  
14 approximately 2000 hours, Respondent obtained 10 mg. of Morphine for administration to  
15 Patient "B" without a physician's order to do so. Thereafter, Respondent failed to document or  
16 record the administration of the medication on the patient's medication administration record, or  
17 to otherwise account for the disposition of the medication.

18 c. **Patient "C" (#1035068)**: On or about October 1, 1999, at  
19 approximately 2230 hours, 2300 hours, and 2330 hours, respectively, Respondent obtained a  
20 total dosage of 200 mg. of Demerol for administration to Patient "C." Thereafter, Respondent  
21 failed to document or record the administration of 100 mg. of Demerol on the patient's  
22 medication administration record, or to otherwise account for the disposition of the medication.

23 d. On or about October 1, 1999, Respondent falsified a hospital  
24 record by entering the names of patient's on the facilities narcotic's log indicating that patient's  
25 have received dosages of pain medication (Demerol and Morphine) when, in fact, they had not.

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1 **PRAYER**

2 **WHEREFORE**, Complainant requests that a hearing be held on the matters  
3 herein alleged, and that following the hearing the Board issue a decision:

- 4 1. Revoking or suspending Registered Nurse License Number 535501,  
5 issued to Kathie Diane Stear;  
6 2. Ordering Kathie Diane Stear to pay the reasonable costs incurred by the  
7 Board in the investigation and enforcement of this case pursuant to section 125.3 of the Code;  
8 3. Taking such other and further action as deemed necessary and proper.  
9

10 **DATED:** 11/7/02  
11

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14 RUTH ANN TERRY, M.P.H., R.N.  
15 Executive Officer  
16 Board of Registered Nursing  
17 Department of Consumer Affairs  
18 State of California  
19 Complainant  
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